IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10662 of 2004

Between:
Sri Hafeez Ur Rab Ansari, S/o. Anwar Ur Rab Ansari,
R/o. H.No. 12-2-823/A118, Santosh Nagar, Colony,
Mehdipatnam.

..... PETITIONER

AND

1 Station House Officer, Women P.S. C.C.S., Hyderabad,.
2 Farheen Bano Baig, D/o. Late Mirza Mahboob Baig,
R/o. Flat No. 203, S.K. Enclave, Surya Nagar Colony, Toli Chowli,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the respondent No. 1 has no right whatsoever to force the petitioner and his wife to return back the alleged jahez articles to the respondent No. 2 along with a sum of Rupees five lakhs towards discharging judicial functions. Consequently the respondent No.1 and his subordinates may be directed not to harass the petitioner and his relatives by way of calling him in the police station of Women Police Station, C.C.S. Hyderabad, detain him or by any other means unknown. Counsel for the Petitioner: Mr.MOHD.OSMAN SHAHEED

Counsel for the Respondents: GP FOR HOME

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in interfering with the petitioner with reference to a civil dispute between his son and his divorced wife – second respondent herein.

2. According to the petitioner, the second respondent was married to his son. Subsequently, there was a divorce between them. In respect of it a case was registered by the first respondent - Women Police Station, C.C.S, Hyderabad, under Section 498 A I.P.C. read with Sections 4 and 6 of Dowry Prohibition Act in Crime No.253 of 2004 against the petitioner, his wife and his son. However, pending the said proceedings, at the instance of the second respondent, the first respondent is forcing the petitioner not only to return back the alleged jahez articles of the second respondent but also pressurizing the petitioner and his son to pay a sum of Rs.5,00,000/-. Under the above circumstances, the petitioner has come up with the present writ petition.

3. According to the learned counsel for the petitioner, the first respondent has no power or jurisdiction to interfere with the above referred types of disputes. If there are any such articles to be returned to the second respondent by her ex-husband, it is for her to take appropriate action. But, the first respondent has no power to interfere without there being any proceedings. In addition, it is also contended that it is an issue of civil nature and the first respondent cannot interfere in such issues.

4. Heard learned counsel for the petitioner and learned Government Pleader for Home.

5. In view of the above stated dispute existing between the petitioner's son and the second respondent, the first respondent has no jurisdiction to call the petitioner for return of the jahez articles or to pay any amount either due or in addition, and the said action alleged to have

been taken by the first respondent is clearly illegal and without jurisdiction.

6. Under the above circumstances, the first respondent is directed not to interfere with the civil dispute of this nature such as returning of jahez articles to the second respondent and the first respondent cannot also compel the petitioner to pay any amount, as the said actions are beyond their jurisdiction.

7. The writ petition is accordingly disposed of at the admission stage.

28.06.2004
Note: Furnish C.C by tomorrow
B/o.
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To

1 The Station House Officer, Women P.S. C.C.S., Hyderabad,.
2 Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT)
3. Two CD copies